IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 3170 of 2007(B)

PETITIONERS:

---

1. MYMOONA KARATTU, KARATTU HOUSE,
PARAPALLYALY, OMANOOR POST,
CHERUVAYOOR (VIA),
MALAPPURAM DISTRICT, PIN-673 645.

2. MURALIDHARAN C.V.,
CHEENIKKAPARAMBIL HOUSE, PALATHOLE P.O.,
MALAPPURAM DISTRICT, PIN-679 340.

3. SUNIL. P., SREEJA SADAN,
THAMARAKUZHI, MALAPPURAM DISTRICT.

4. AYYAPPAN. T.C., THAMBAPRA KUNNU HOUSE,
TRIKKALANGODE P.O., MANJERI,
MALAPPURAM DISTRICT.

5. YOUSUF MANKARATHODI,
MANKARATHODI HOUSE, VADAKKEMANNA, KODUR P.O.,
MALAPPURAM DISTRICT.

6. HAMZA V.P., MUKKANU HOUSE,
PAYYANAD P.O., MALAPPURAM DISTRICT.

7. ABDURAHIMAN. M.K.,
MADHURAKKARIYAN HOUSE, P.O.CHANDAKUNNU,
NILAMBUR, MALAPPURAM DISTRICT.

8. C.K. VASUDEVAN, CHELLIKKATTIL HOUSE,
TANUR P.O., PIN-676 302.

9. SIDDIQUE K., KOLAKKUTH HOUSE,
MONGAM P.O., MALAPPURAM-673 642.

10. BABU P.K., PUTTENKUNNU HOUSE,
ELOKKARA, P.O.PUDUPPADI-673 586,
KOZHIKODE DISTRICT.

11. BINDULEKHA. K.B.,
PLAVILAMELEPUTHEN BUNGLOW,
KAZHIVOOR P.O.-695 526, TRIVANDRUM DISTRICT.

12. SURESH KUMAR, EDAMALA PUTHENVEEDU,
AYILAM P.O., ATTINGAL-695 103.

13. NIKESH T., THAZHATHETHIL HOUSE,
POOKKOTTUMPADAM P.O.,
MALAPPURAM DISTRICT-679 332.

14. PREMACHANDRIKA, PUZHAMMEL HOUSE,
PAZHAMALLOOR P.O., KOOTTILANGADI-676 506.

15. JEEVA.K.T., KAMMALASSERRY HOUSE,
CHELEMBRA P.O., PIN-673 634.

16. K.P. JYOTHI, PRASANNALAYAM,
PALOOR, PULAMANTHOLDE P.O.,
PIN-679 323.

17. PRAMODKUMAR, KOYHIKKAL HOUSE,
ARASUVAIKKAL P.O., PARASALA,
THIRUVANANTHAPURAM.

18. A.P. ABDUL JALEEL, ACHIPRA HOUSE,
AMBALAKKADAVU P.O., KALIKAVU,
MALAPPURAM DISTRICT.

19. SAJI JOHN, CHULLALIL HOUSE,
CHANOAKKUNNU P.O., MALAPPURAM DISTRICT.

20. SREELATHA K.J., THAVANOOR MANA,
THAVANOOR P.O., PIN-679 573.

21. SHEEJA. K., VAKKALOOR HOUSE,
KARUVANNOOR P.O., AREACODE.

22. PRASAD KAIPPALLIL, KAIPPALLIL HOUSE,
VADAKKUMPADAM P.O., MALAPPURAM DISTRICT.

23. RAVEENDRAN. K.P., KOTTAYILPADI HOUSE,
THIYYANOOR, KOKKOOR P.O., PIN-679 338.
MALAPPURAM.

24. JAYASREE. C., LAXMI NIVAS,
KOLATHOOR P.O., PIN-679 338, MALAPPURAM.

25. MAMMAD, NADUVATHKALATHIL HOUSE,
PARINCHAPADI, VATTALLUR,
MALAPPURAM DISTRICT.

26. P.M. RAJU, S/O.P.J.MANI,
PATHAYIL HOUSE, VALIYA THOVALA P.O.,
IDUKKI DISTRICT.

27. A. PRADEEP, AMBALATHODI HOUSE,
MUTHUKAD, P.O.RAMAN KUTTU, NILAMBUR.

BY ADV. SRI.GEORGE ABRAHAM

RESPONDENTS:
---

1. STATE OF KERALA,
REP. BY THE CHIEF SECRETARY TO GOVERNMENT
SECRETARIAT, TRIVANDRUM.

2. SECRETARY TO GOVERNMENT,
PERSONNEL & ADMINISTRATIVE REFORMS
DEPARTMENT, GOVERNMENT OF KERALA,
SECRETARIAT, TRIVANDRUM.

3. KERALA PUBLIC SERVICE COMMISSION
REP. BY ITS SECRETARY, PATTOM,
TRIVANDRUM.

4. DISTRICT OFFICER, KERALA PUBLIC
SERVICE COMMISSION, MALAPPURAM.

5. KERALA WATER AUTHORITY,
REP. BY ITS MANAGING DIRECTOR,
`JALA BHAVAN', VELLAYAMBALAM, TRIVANDRUM.

6. CHIEF ENGINEER (ADMINISTRATION)
PUBLIC WORKS DEPARTMENT,
TRIVANDRUM.

7. DIRECTOR OF URBAN AFFAIRS,
TRIVANDRUM.

8. DIRECTOR OF URBAN AFFAIRS,
TRIVANDRUM.

9. DIRECTOR OF PANCHAYATS,
TRIVANDRUM.

10. DIRECTOR OF PUBLIC INSTRUCTION
GENERAL EDUCATION DEPARTMENT,
TRIVANDRUM.

R1,2,6 TO 10 BY GOVT. PLEADER SHRI. BIJOY CHANDRAN
R3 & 4 BY SC SHRI. P.C.SASIDHARAN
R5 BY SC SHRI. C. UNNIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 3170 OF 2007

Dated this the 30th January, 2007.

JUDGMENT

The petitioners, 27 in number, were included in the ranked list published by the Public Service Commission on 4.9.2003 for appointment to the post of Last Grade Servants in Malappuram district. The ranked list expired on 3.9.2006. The petitioners took up the contention that for various reasons the period of the ranked list ought to have been extended. With such a request, they approached the third respondent. As per Ext.P7 order, the Commission informed the petitioners that it would be desirable for them to approach the Government for extension of the validity of the list. The petitioners accordingly filed representation before the Government which considered the same and rejected the request as per Ext.P12, stating that there were no extraordinary circumstances compelling the authorities to extend the validity of the list beyond the maximum period of the currency of the list. Challenging Ext.P12 order passed by the Government this writ petition has been filed.

2. It is contended that the view taken by the Government in Ext.P12 is contrary to facts and that relevant aspects have not been properly considered.

3. I think it is not necessary for this Court to examine the correctness of Ext.P12 since rules do not enable the Government to extend the validity of the ranked list. The last proviso to Rule 13 of the Kerala Public Service Commission Rules of Procedure empowers the Public Service Commission to extend the validity of the list in appropriate cases. Therefore, the petitioners cannot contend for the position that a decision taken by the Government in regard to a matter on which they do not have power, is erroneous in law. It is immaterial whether the Government have rejected the prayer assigning proper reasons or improper reasons, because the Government do not have the power to extend the validity of the list.

4. Counsel for the petitioners submits that the petitioners may be given the freedom to approach the Commission once again requesting to pass appropriate orders on merits. Without prejudice to the above freedom of the petitioners, this writ petition is dismissed.

K.K.DENESAN
Judge

jj